

not disabled within the meaning of the Act, finding that Plaintiff's Bell's palsy, hypertension, asthma and depressive disorder did not individually or in combination impose more than minimal interference with her ability to perform work activities. Plaintiff challenged the ALJ's and Appeals Council's consideration of her mental impairments. The Magistrate Judge concluded that the ALJ's finding that Plaintiff's learning disabilities, borderline intellectual functioning, and depression were not severe was not supported by substantial evidence nor were the correct legal standards applied.

The Court has reviewed the Memorandum and Recommendation and finds it to be neither clearly erroneous nor contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989). Accordingly, the Court ACCEPTS the Magistrate Judge's recommendation to reverse and remand the Commissioner's decision to deny benefits. It is therefore ORDERED that the Commissioner's decision is REVERSED and REMANDED for further proceedings consistent with the Magistrate Judge's Memorandum.

It is so ORDERED.

SIGNED this 5th day of April, 2010.

A handwritten signature in black ink, appearing to read 'Xavier Rodriguez', is written over a horizontal line.

XAVIER RODRIGUEZ
UNITED STATES DISTRICT JUDGE